

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 ROBERT "BOB" BURNS – Chairman
4 BOYD DUNN
5 SANDRA D. KENNEDY
6 JUSTIN OLSON
7 LEA MÁRQUEZ PETERSON

8 IN THE MATTER OF THE APPLICATION OF
9 ARIZONA PUBLIC SERVICE COMPANY FOR A
10 HEARING TO DETERMINE THE FAIR VALUE OF
11 THE UTILITY PROPERTY OF THE COMPANY
12 FOR RATEMAKING PURPOSES, TO FIX A JUST
13 AND REASONABLE RATE OF RETURN
14 THEREON, TO APPROVE RATE SCHEDULES
15 DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-19-0236

PROCEDURAL ORDER

11 **BY THE COMMISSION:**

12 On October 1, 2019, Arizona Public Service Company ("APS") filed with the Arizona
13 Corporation Commission ("Commission") a Notice of Intent to File a Rate Case Application and
14 Request to Open Docket. As a result, this docket was opened.

15 On October 9, 2019, a Procedural Order regarding Consent to Email Service was issued.

16 On October 31, 2019, APS filed its Rate Application.

17 On November 1, 2019, Richard Gayer filed an Individual Request for Intervention, stating that
18 Mr. Gayer is a customer of APS and will be directly impacted by any rate increase.

19 On November 5, 2019, The Kroger Co. ("Kroger") filed a Petition for Leave to Intervene,
20 stating that Kroger is a corporation engaged in the business of selling groceries at retail and operates
21 numerous grocery stores in Arizona that purchase their electric supply from APS. Kroger states that it
22 is one of APS's largest commercial customers and that because its stores are high-load-factor facilities
23 that often use energy 24 hours a day, 7 days a week, Kroger will be substantially impacted by the
24 outcome of this proceeding. Kroger desires to be represented by Kurt J. Boehm and Jody Kyler Cohn,
25 neither of whom is licensed to practice law in Arizona, and to have Arizona attorney John William
26 Moore, Jr. serve as local counsel. Kroger states that Mr. Moore will file a *pro hac vice* motion to have
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1 Mr. Boehm and Ms. Cohn participate in this case and that Mr. Moore requests not to be placed on the
2 service list for this matter so that he does not receive paper copies of documents.¹

3 Also on November 5, 2019, Southwest Energy Efficiency Project (“SWEEP”) filed an
4 Application for Leave to Intervene, stating that SWEEP is a non-profit public interest organization
5 promoting energy efficiency in six states in the Southwest, including Arizona. SWEEP further states
6 that it seeks to promote development of energy efficiency programs, rate design reform, distributed
7 generation resources, and other measures for more efficient use of electric energy sources and that its
8 intervention will not unduly broaden the issues in or delay this matter because its concerns are directly
9 related to the rates and charges proposed by APS and are already at issue. SWEEP adds that it has
10 participated in prior Commission proceedings.

11 On November 6, 2019, Western Resource Advocates (“WRA”) filed an Application for Leave
12 to Intervene, stating that WRA is a non-profit regional environmental law and policy organization
13 serving six western states, including Arizona. WRA states that its Clean Power Program is designed
14 to encourage development of clean energy technologies, energy efficiency, renewable resources,
15 distributed generation, and other measures to help reduce the environmental impacts of meeting
16 demand for energy services while minimizing costs and risks to ratepayers and that its intervention will
17 not unduly broaden the issues or delay this matter. WRA adds that it has been involved in numerous
18 proceedings before the Commission.

19 On November 7, 2019, Freeport Minerals Corporation (“Freeport”) and Arizonans for Electric
20 Choice and Competition (“AECC”) jointly filed an Application for Leave to Intervene. Freeport states
21 that it maintains facilities and operations within Arizona that receive electric services from APS and
22 thus will be directly and substantially affected by the outcome of this matter. AECC states that it is a
23 coalition of energy consumers, most of whom are customers of APS, and that those AECC members
24 will be directly and substantially impacted by the outcome of this matter. Freeport and AECC further
25 state that their participation in this proceeding will neither broaden the issues nor unduly delay this
26 matter.

27 ¹ Until the *pro hac vice* admission of Mr. Boehm and Ms. Cohn is granted, Mr. Moore will be considered counsel of record
28 and, as such, must appear on the service list for this matter. A copy of this Procedural Order is being emailed to Mr. Boehm
and Ms. Cohn as a courtesy.

1 No party has objected to intervention by Mr. Gayer, Kroger, SWEEP, WRA, Freeport, or
2 AECC.

3 Because Mr. Gayer, Kroger, SWEEP, WRA, Freeport, and AECC will be directly and
4 substantially impacted by the resolution of this matter, it is reasonable and appropriate to grant them
5 intervention in this matter.

6 IT IS THEREFORE ORDERED that **intervention is hereby granted to Richard Gayer, The**
7 **Kroger Co., Southwest Energy Efficiency Project, Western Resource Advocates, Freeport**
8 **Minerals Corporation, and Arizonans for Electric Choice and Competition.**

9 IT IS FURTHER ORDERED that any motion, other than a dispositive motion, that is filed in
10 this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall be
11 deemed denied.

12 IT IS FURTHER ORDERED that any response to a motion other than a dispositive motion
13 shall be filed within seven calendar days of the filing date of the motion.

14 IT IS FURTHER ORDERED that any response to a dispositive motion shall be filed within 10
15 calendar days of the filing date of the motion.

16 IT IS FURTHER ORDERED that any reply to a response shall be filed within five calendar
17 days of the filing date of the response.

18 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the**
19 **Commission's website** for information regarding **Global Consent to Email Service² and how to**
20 **Follow the Docket.**³ Information regarding Global Consent to Email Service and how to Follow the
21 Docket is available on the Commission's website (www.azcc.gov) by clicking on "**Cases and Open**
22 **Meetings**" and then clicking on "**Globally Consent to Email Service**" or "**Follow a Docket.**"

23 IT IS FURTHER ORDERED that **documents may be eFiled** in this docket and that instructions
24 and restrictions for eFiling are available on the Commission's website at [http://azcc.gov/hearing/efile-](http://azcc.gov/hearing/efile-for-utilities-instruction)
25 [for-utilities-instruction](http://azcc.gov/hearing/efile-for-utilities-instruction).

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27 ² Global Consent to Email Service allows a party to consent to receive email service in all cases for which the party is
included on the service list, now or in the future.

28 ³ The "Follow a Docket" service allows any person to receive email notice, with a link to the filing, whenever something
is filed in the docket. The service can be used to follow one or many dockets.

1 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
2 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

3 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
4 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
5 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
6 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
7 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
8 Law Judge or the Commission.

9 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
10 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
11 in this matter is final and non-appealable.

12 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
13 pursuant to Rule 6(a)(2) or (c) of the Arizona Rules of Civil Procedure.

14 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
15 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
16 hearing.

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18 DATED this 19th day of November, 2019.

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21 For



SARAH N. HARPRING
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

On this ^{19th} day of November, 2019, the foregoing document was filed with Docket Control as a Procedural Order – Regarding Intervention, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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